

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

JOSEPHAT HENRY, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
ST. CROIX ALUMINA LLC, et al.	:	NO. 99-0036

ORDER

AND NOW, this 14th day of September, 2009, it is hereby ORDERED that the motion of defendant Glencore, Ltd. For summary judgment on plaintiff's class claim for injunctive relief (Doc. No. 1311) is GRANTED.

Before the court is the motion of defendant Glencore Ltd. for summary judgment on plaintiff's class claim for injunctive relief. Glencore argues that this court has already granted summary judgment in Glencore's favor on all of plaintiffs' nuisance claims in its order dated August 10, 2007 (Doc. No. 1125) and that, accordingly, the court must grant summary judgment on the claim for injunctive relief of a continuing nuisance. Glencore is correct.

The Court found that there was no evidence that Glencore Ltd. owned or operated the St. Croix refinery and that there was no basis to pierce the corporate veil between defendant Glencore and its subsidiary Vialco, the one-time owner of the

refinery. While Glencore Ltd. may still be liable as a supplier of bauxite, the instant motion does not address any supplier liability claims.

Therefore, we are granting the motion of Glencore for summary judgment on plaintiffs' claim for injunctive relief.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III C.J.
SITTING BY DESIGNATION